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BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

CARL J. KUNASEK
CHAIRMANJIM IRVIN
COMMISSIONERWILLIAM A. MUNDELL
COMMISSIONER

DEC 06 2000

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
AMERICAN METROCOMM LONG DISTANCE
CORPORATION FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED
INTRASTATE TELECOMMUNICATIONS
SERVICES

DOCKET NO. T-03838A-00-0097

PROCEDURAL ORDER**BY THE COMMISSION:**

On February 10, 2000, American MetroComm Long Distance Corporation ("Company") filed with Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based intrastate telecommunications services within the State of Arizona. The Company is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that the Company has not published notice.

On August 29, 2000, the Arizona Court of Appeals, Division One, ("Court") issued its Opinion in Cause No. 1 CA-CV 98-0672 ("Opinion"). The Court determined that Article XV, Section 14 of the Arizona Constitution requires the Commission to "determine fair value rate base ("FVRB") for all public service corporations in Arizona prior to setting their rates and charges." Although that Opinion will more than likely be appealed to the Arizona Supreme Court, we are going to request FVRB information at this time to insure compliance with the Constitution should the ultimate decision of the Supreme Court affirm the Court's interpretation of Section 14. We also are concerned that the cost and complexity of FVRB determinations must not offend the Telecommunications Act of 1996.

On October 31, 2000, the Commission's Utilities Division Staff ("Staff") filed its Staff Report in this matter, stating that Company had failed to respond to numerous requests for additional information. Therefore, a hearing shall not be scheduled in the above matter until such time as the

1 requested information is received by the Commission.

2 The time frame for processing the Company's application shall be extended to March 30,
3 2001.

4 The Commission now issues this Procedural Order to govern the preparation and conduct of
5 this proceeding.

6 IT IS THEREFORE ORDERED that the deadline for processing this application shall be
7 March 30, 2001.

8 IT IS FURTHER ORDERED that the Company shall publish notice, as stated below, in
9 newspapers in every county in Arizona in which Applicant desires to provide service by January 5,
10 2001, and shall file Affidavits of Publication no later than January 26, 2001.

11
12 **NOTICE OF APPLICATION FOR A CERTIFICATE**
13 **OF CONVENIENCE AND NECESSITY TO PROVIDE**
14 **COMPETITIVE RESOLD LOCAL EXCHANGE**
15 **TELECOMMUNICATIONS SERVICES BY**
16 **AMERICAN METROCOMM LONG DISTANCE CORPORATION**

17 American MetroComm Long Distance Corporation ("Applicant") has filed with
18 the Arizona Corporation Commission ("Commission") an application for a Certificate of
19 Convenience and Necessity ("Certificate") to provide facilities based and resold intrastate
telecommunications services in the State of Arizona. Applicant will be required by the
Commission to provide this service under the rates and charges and terms and conditions
established by the Commission.

20 The application, report of the Commission's Utilities Division Staff, and any
21 written exceptions to the Staff Report prepared by the Applicant are available for
22 inspection during regular business hours at the offices of the Commission located at 1200
West Washington Street, Phoenix, Arizona 85007, and at Applicant [address].

23 Under appropriate circumstances, interested parties may intervene in the
24 proceedings and participate as a party. Intervention shall be in accordance with A.A.C.
25 R14-3-105, except that all motions to intervene must be filed on or before January 26,
2001. You may have the right to intervene in the proceeding, or you may make a
statement for the record. If you have any comments, mail them to:

26 The Arizona Corporation Commission
27 Attention Docket Control
28 Re: American MetroComm Long Distance
T-03838A-00-0097

1 1200 West Washington Street
2 Phoenix, AZ 85007

3 All comments should be received by January 26, 2001.

4 If you have any questions about this application or have any objections to its
5 approval, you may contact the Consumer Services Section of the Commission at 1200
6 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

7 The Commission does not discriminate on the basis of disability in admission to
8 its public meetings. Persons with a disability may request reasonable accommodations
9 such as a sign language interpreter, as well as request this document in an alternative
10 format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-
11 3931, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to
12 allow time to arrange the accommodations.

13 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105
14 except that all motions to intervene must be filed on or before January 26, 2001.

15 IT IS FURTHER ORDERED that Company shall file its proposed FVRB within 30 days of
16 the date of this Order (pursuant to A.A.C. R14-2-103(B), this may be the same as original cost rate
17 base). The FVRB shall include a description and value of all plant and equipment (including the cost
18 and location) currently held by Company and intended to be used to provide competitive
19 telecommunications services to Arizona customers. In doing so, Company may use any reasonable
20 means of asset allocation, direct assignment or combination. In the alternative, upon request made
21 within 30 days of the date of this Order, Company may file its FVRB information at least 90 days
22 prior to providing service.

23 IT IS FURTHER ORDERED that Company shall file information demonstrating how the
24 value of its plant and equipment (both current and projected) is related to its minimum and maximum
25 rates within 30 days of the date of this Order, if the alternative is chosen, or at least 90 days prior to
26 providing service (such demonstration must include the amount of depreciation expense and capital
27 carrying costs related to the FVRB). In the alternative, Company must demonstrate that such rates
28 and charges are not unreasonable and constitute a fair rate of return on rate base.

IT IS FURTHER ORDERED that Staff shall review the FVRB information filed and ascertain
that Company is utilizing the appropriate amount of depreciation and capital carrying costs in
determining its minimum and maximum rates.

1 IT IS FURTHER ORDERED that Staff shall file disagreements, if any, with the proposed
2 FVRB and/or rates and charges, within 30 days of Company filing its FVRB information.

3 IT IS FURTHER ORDERED that if there are any disagreements with any FVRB information,
4 then the Certificate shall be stayed pending resolution of the matter.

5 IT IS FURTHER ORDERED that discovery shall be permitted by law and the rules and
6 regulations of the Commission, except that every effort shall be made to respond within 48 hours of
7 receipt; the response time may be extended by mutual agreement of the parties involved if the request
8 requires an extensive compilation effort.

9 IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel
10 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
11 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such
12 request, a procedural hearing will be convened as soon as practicable; and that the party making such
13 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
14 hearing provide a statement confirming that the other parties were contacted.

15 IT IS FURTHER ORDERED that failure to comply with this Order within 30 days shall
16 result in denial of the Company's application without a hearing.

17 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
18 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

19 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
20 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

21 DATED this 6th day of December, 2000.

22
23 
24 ALICIA GRANTHAM
ADMINISTRATIVE LAW JUDGE

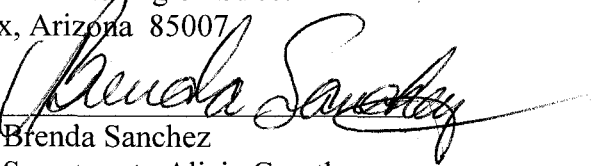
25 Copies of the foregoing mailed/delivered
this 6th day of December, 2000 to:

26 Michael Henry
27 AMERICAN METROCOMM LONG DISTANCE CORP.
1615 Poydras Street, Suite 1050
28 New Orleans, Louisiana 70112

1 Thomas Forte
2 TECHNOLOGIES MANAGEMENT, INC.
210 N. Park Ave.
3 Winter Park, Florida 32789
4 Consultant to American MetroComm Long Distance Corp.

5 Lyn Farmer, Chief Counsel
Legal Division
6 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
7 Phoenix, Arizona 85007

8 Deborah Scott, Director
Utilities Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
Phoenix, Arizona 85007

11 By: 
12 Brenda Sanchez
13 Secretary to Alicia Grantham